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By Fax

Hon. Paul G. Gardephe  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

October 8, 2013

**MEMO ENDORSED**

**The Application is granted.**

**SO ORDERED:**

Paul G. Gardephe  
Paul G. Gardephe, U.S.D.J.  
**Dated:** Oct. 10, 2013

Re: Lockheed Martin Corporation v. MTA Capital Construction Co. and Metropolitan Transp. Auth., 09-CV-4077 (PGG) (GWG)

Dear Judge Gardephe:

We represent Defendants Metropolitan Transportation Authority and the MTA Capital Construction Company (collectively “MTA”) in the above-referenced matter. Tomorrow, October 9, 2013, is the date for the service of the parties’ reply papers in connection with their respective motions for partial summary judgment, and for the electronic filing of the entirety of the motion papers. Both parties have previously delivered to Chambers courtesy copies of their respective motion and opposition papers, and the supporting exhibits. To accommodate a concern with certain supporting materials that MTA believes should be filed under seal (or in redacted form), we respectfully ask the Court if we may exchange the reply papers tomorrow as scheduled. We propose to postpone the electronic filing of all papers. This will allow additional time for us to present to Lockheed’s counsel for review the items we propose for sealing, with an eye toward gaining as much agreement as possible, and to allow some additional time to make the physical redactions on the material we will be submitting under seal. We will still deliver courtesy copies of the reply papers to the Court tomorrow.

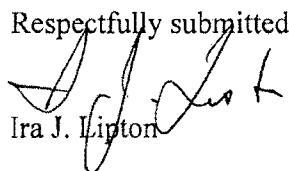
We propose to electronically file the papers with redactions on Tuesday, October 15, 2013, with a simultaneous delivery to Your Honor of the required letter and supporting declaration seeking permission for the sealing of the material at issue and setting forth our justifications for the relief sought. I have conferred with counsel for plaintiffs Lockheed Martin, Michael Chartan, and Brian Kantar, counsel for the Sureties, and they have both agreed to this request.

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Thank you for your consideration and attention to this matter.

Respectfully submitted,

  
Ira J. Lipton

cc: Michael Chartan, Esq. (by email)  
Adam Friedman, Esq. (by email)